

Variance Application Requirements/ Instructions

Chapter 5.03: Variance

5.03.00 1 Application for Variance.

Where the owner of a plot of land consisting of one (1) or more adjacent lots of record at the time of the enactment of this ordinance, does not own sufficient contiguous land to enable him/her, to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape, or other unique features of such lots of record, prevent reasonable compliance with the setback if used as a building site, then the property owner or agent or representative may make application to the Board of Zoning Appeals for a variance. **Under no circumstances may conditions be granted for a lot that is created or subdivided after enactment of this ordinance.**

All applications for variance shall be submitted to the City Clerk at least 45 days prior to a regularly scheduled Board of Zoning Appeals meeting on application forms supplied by the City Clerk along with a fee as, determined by Mayor and Council. Incomplete applications will not be placed on the agenda. Applications for variance must be accompanied by the following information:

- A. Three (3) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or applicant.
- B. Three (3) copies of preliminary building and site plans drawn to scale showing the following information:
 1. Surveyed plat signed by a registered surveyor.
 2. Project name:
 3. Project owner
 4. Date, scale, and north arrow.
 5. Vicinity map
 6. Use of adjacent property.
 7. Exterior dimensions of the site.
 8. Total project acreage.
 9. Location, name and width of all existing or proposed streets.
 10. Location of all proposed structures
 11. Location of all off-street parking and driveway serving the project.
 12. Proposed buffers and/or screening
 13. Location, height, fixture type and wattage of site lighting.
 14. Dumpster locations.
 15. Rough floor plans, including gross floor area.
 16. Building height.

Additionally, the applicant, if other than the local government, must pay the required application fee, as determined by the Mayor and Council, to cover the administrative and advertising costs of the application and sign a statement certifying he/she or the owner represented by the applicant has at least a fifty-one percent (51%) ownership interest in the property.

Once the application is submitted, it cannot be amended. Incomplete applications will not be processed.

APPLICATION FOR VARIANCE
CITY OF COMMERCE ZONING APPEALS BOARD

The undersigned of this petition respectfully requests a Variance in accordance with Chapter 5.03, Section 5.03.001 of the Zoning Ordinance of the City of Commerce as adopted by the Mayor and Council dated November 13, 1995 and as amended in February, 2001.

1. Description of Property involved:

Address: _____

Property fronting on.

2. Applicant and Ownership Information:

Owner: _____

Address: _____

Applicant: _____

Address: _____

If the owner and applicant are different then written permission must be obtained from the owner. The applicant or the agent must attend the hearing.

3. Statement of Necessity:

Signature of Applicant

VARIANCES – Chapter 5.03

EXCEPTIONS AND MODIFICATIONS

Section 5.03.005

Paragraph A.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
2. The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and
3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposed and intent of this Ordinance; and
4. Such conditions are peculiar to the particular piece of property involved; and
5. The special circumstances surrounding the request for a variance are not the result of acts by the applicants; and
6. The variance is not a request to permit a use of land, buildings, or structures, which is not permitted by right or by conditional use permit in the Zoning District involved.

PLANNING & DEVELOPMENT FEES

		<u>Current</u> <u>Fee</u>
Rezoning	Residents & Agriculture	\$ 250.00
	Commercial	\$ 350.00
	Multi-Family	\$ 350.00
	P.U.D.	\$ 350.00
	Industrial	\$ 450.00
Variance		\$ 100.00
Conditional Use		\$ 250.00
Soil Erosion	1st Ten Acres	\$ 75.00
	Per Acre	\$ 2.50
	Residential Grading Permit	\$ 10.00 per lot
	Non-Residential Grading Permit	\$10.00 per acre
	Subdivisions	Preliminary
	Final Plat	\$10.00 per lot
	PUD Development Plan (Final)	\$ 3.00 per lot